THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.6262 of 2007

Date:12.04.2007

Between:

B.Shankaramma

.. PETITIONER

AND

The Government of A.P. and another.

..RESPONDENTS

ORDER:

The husband of the petitioner was murdered on 13.09.2005. A case in Crime No.45 of 2005 was registered in P.S. Nandavaram under Section 302 I.P.C. Case is pending trial as S.C.No.199 of 2006 in the Court of the II Additional Sessions Judge, Kurnool at Adoni.

One Sri L.Hari Haranatha Reddy was functioning as the Public Prosecutor for that Court on the basis of his appointment through G.O.Rt.No.635, dated 08.04.2003. His term came to an end on 08.04.2006. Since no successor to him was appointed, the District Collector issued proceedings, dated 07.04.2006, requesting the said Public Prosecutor to continue until further orders. However, the first respondent issued G.O.Rt.No.1770, dated 27.11.2006, placing one Sri K.E.Jagadeesh Kumar, Additional Public Prosecutor, as in-charge of the Family Courts-cum- II Additional District Judge, Kurnool at Adoni. It is stated that the said Jagadeesh Kumar has not taken charge and this gave rise to uncertainty. The accused in S.C.No.199 of 2006 raised an objection for continuance of L.Hari Haranatha

Reddy as Public Prosecutor in that Court. They filed Crl.M.P.Nos.42 and 43 of 2007 under Section 225 Cr.P.C. to direct that the Additional Public Prosecutor by name Sri L.Hari Haranatha Reddy shall not conduct the trial of the case. The trial Court heard the parties and a detailed order was passed on 06.03.2007, dismissing the petitions.

The petitioner states that in spite of the orders passed by the trial Court in S.C.No.199 of 2006, uncertainty and vacuum is prevailing and seeks specific directions to the respondents. She contends that taking advantage of the uncertainty and delay, the accused are trying to protract the case.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

It is rather unfortunate that the required amount of attention was not paid by the Government in the matter of appointment of Public Prosecutors. Several Courts are functioning without Public Prosecutors. The in-charge arrangements made are so inadequate that the ordinary litigants are finding difficulty even in serving papers in bail petitions.

In the present case itself, an Additional Public Prosecutor from Kurnool is placed in-charge of the Court at Adoni. The distance is about 100 k.m. It so happened that the term of Sri K.E.Jagadeesh Kumar, who was kept in-charge of the Court of the II Additional Sessions Judge, Kurnool at Adoni, had also expired on 28.02.2007. The result is that neither a regular Public Prosecutor is functioning for that Court nor in-charge arrangement is made. If the important function of prosecution is dealt with in such a casual and callous manner, it would certainly tell upon the priorities of the Government. This situation is bound to be taken advantage by the persons who have committed crimes and that, in

turn, would lead to lawlessness. It is hoped that the situation would be rescued before it drifts into a total legal vacuum or chaos.

Fortunately, in the instant case, an order passed by the District Collector requesting Sri L.Hari Haranatha Reddy to continue till the next arrangement is made, is in force. The interim arrangement placing Sri K.E.Jagadeesh Kumar, as in-charge of that Court did not fructify at all. There is no legal impediment for Sri L.Hari Haranatha Reddy to function as Public Prosecutor.

The writ petition is accordingly disposed of, directing that the first respondent shall take necessary steps to appoint a regular Public Prosecutor to the Court of the II Additional Sessions Judge, Kurnool at Adoni and till such time, the previous incumbent Sri L.Hari Haranatha Reddy shall function as Public Prosecutor and discharge his duties accordingly. There shall be no order as to costs.

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12.04.2007 kdl

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